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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF ARIZONA**
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9 Shai Segui,

10 Plaintiff,

11 v.

12 Stephanie Stromfors; Diana Vigil; Randy
13 Rand; Julie Verner; Yvonne Parnell; Donna
14 Moniz; and Building Family Bridges,

15 Defendants.

No. CV-24-01171-PHX-DGC

ORDER

16 On October 11, 2024, Plaintiff filed a motion requesting that the Clerk of Court
17 enter Defendant Randy Rand’s default pursuant to Federal Rule of Civil Procedure 55(a).
18 Doc. 62 at 1. Plaintiff also requests that ten days from the filing of the motion, the Court
19 enter default judgment against Defendant Rand. *Id.* at 2. This request is denied.

20 Default judgment under Rule 55 “is a two-step process: an entry of default judgment
21 must be preceded by an entry of default.” *Brooke v. Sai Ashish Inc.*, No. 1:21C-cv-00967-
22 AWI-SAB, 2021 WL 4804220, at *5 (E.D. Cal. Oct. 14, 2021) (citing *Eitel v. McCool*, 782
23 F.2d 1470, 1471 (9th Cir. 1986)). The entry of default by the clerk “does not automatically
24 entitle the plaintiff to a court-ordered judgment.” *PepsiCo, Inc. v. Cal. Sec. Cans*, 238 F.
25 Supp. 2d 1172, 1174 (C.D. Cal. 2002) (citing *Draper v. Coombs*, 792 F.2d 915, 924-25
26 (9th Cir. 1986)); *see also Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980) (“The
27 district court’s decision whether to enter a default judgment is a discretionary one.”). The
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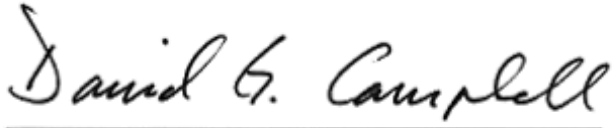
1 rule in this Circuit is “that default judgments are ordinarily disfavored. Cases should be
2 decided upon their merits whenever reasonably possible.” *Eitel*, 782 F.2d at 1472.

3 What is more, while the Court may generally take as true the factual allegations of
4 the complaint, it may not simply accept the amount of damages the plaintiff requests. *See*
5 *Geddes v. United Fin. Grp.*, 559 F.2d 557, 560 (9th Cir. 1977). “There must be an
6 evidentiary basis for the damages sought by plaintiff.” *Cement & Concrete Workers Dist.*
7 *Council Welfare Fund v. Metro Found. Contractors Inc.*, 699 F.3d 230, 234 (2d Cir. 2012)
8 (citations omitted); *see also Rubicon Glob. Ventures, Inc. v. Chongqing Zongshen Grp.*
9 *Imp./Exp. Corp.*, 226 F. Supp. 3d 1141, 1149 (D. Or. 2016) (noting that “district courts
10 within the Ninth Circuit have required plaintiffs to prove . . . compensatory damages with
11 ‘reasonable certainty’ even in situations of default.”) (citations omitted); *Wu v. Ip*, No. C-
12 93-4467-FMS, 1996 WL 428342, at *1 (N.D. Cal. 1996) (while injury may be admitted
13 upon default, plaintiffs “still must prove that the compensation sought relates to the
14 damages that naturally flow from the injuries pled.”) (citation omitted).

15 The Clerk has now entered Defendant Rand’s default. Doc. 64. Plaintiff shall
16 promptly file a motion for default judgment under Rule 55(b) that addresses the *Eitel*
17 factors and presents sufficient evidence to support any requested damages.

18 **IT IS SO ORDERED.**

19 Dated this 15th day of October, 2024.

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23 David G. Campbell
24 Senior United States District Judge
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